

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N # 2003-1N-390-C (Revised)

30 July 2004

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344) and the South Carolina Coastal Zone Management Act (48-39-10 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

MR. DENNIS PERMENTER
MYRTLEWOOD REALTY
401 12TH AVENUE NORTH
MYRTLE BEACH, SOUTH CAROLINA 29577

for a permit to place fill material in jurisdictional wetlands adjacent to an

UNNAMED TRIBUTARY OF MAIN CREEK

at a location near the intersection of US Highway 17 Business and Melody Lane in Horry County, South Carolina (Latitude – 33.59991 N, Longitude – 78.99824 W).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY 30 AUGUST 2004

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing a commercial/multi-family residential development on a 128-acre tract of land. The commercial portion of the proposed project and 20 multi-family residential units are located adjacent to US Highway 17 Business. The applicant plans to place fill material in 0.53 acres of non-jurisdictional freshwater wetlands and 0.31 acres of jurisdictional borrow pits to construct a bank, two fast food restaurants, a gas station, and 5 office/retail buildings. The applicant has eliminated the placement of fill material in a 0.95-acre jurisdictional pond.

In order to access the rear of the project site, the applicant plans to construct two road crossings that will impact 1.08 acres of jurisdictional freshwater wetlands. A third road crossing will impact 0.07 acres of jurisdictional freshwater wetlands to access an approximately 2-acre upland island where two multi-family

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residential units will be located. The wetland impacts associated with these activities has increased 0.64 acres because the applicant has widened the footprint of the original road crossing, proposed a second road crossing, and has shifted the location of the third road crossing. According to the applicant, Horry County Planning and Zoning requires two access roads due to the number of proposed residential units.

The remaining wetland impacts consist of the placement of fill material in 0.22 acres of jurisdictional wetlands and 0.78 acres of non-jurisdictional wetlands to construct 5 multi-family residential units, and infrastructure necessary to develop the property. A total of 50 multi-family residential units and an amenities center will be constructed on the rear of the project site. The applicant has included stormwater detention ponds on the revised wetland master plan and has reduced the total number of residential units.

The applicant has proposed a compensatory mitigation plan that consists of the preservation of the remaining 29.83 acres of jurisdictional wetlands and 4.16 acres of non-jurisdictional freshwater wetlands. The applicant has proposed to establish a 37-foot wide average width upland buffer (8.88 acres). In addition, the applicant has proposed to purchase 6.8 non-buffer enhancement credits from an approved wetland mitigation bank. According to the applicant, the purpose of the proposed impacts to waters of the United States is to provide access to developable uplands and to convert wetlands and other waters of the United States into uplands to construct an office/retail building.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 1.28 acres of waters of the United States and 1.71 acres of non-jurisdictional wetlands upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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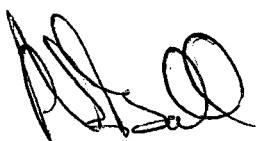
The District Engineer has consulted the most recently available information and has made no determination of effect on any Federally endangered, threatened, or proposed species. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any Federally listed or proposed to be listed endangered or threatened species and/or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Nathaniel I. Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

SITE

LON: -78.9996

H-Frame
Anchorage

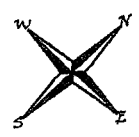
LAT: 33.6083

Garden City Beach

Surfside Beach

THE WETLAND DELINEATIONS USED IN PREPARING THIS WETLAND MASTER PLAN HAVE BEEN DONE IN ACCORDANCE WITH CORPS. OF ENGINEERS METHODS AND TECHNIQUES AND ARE AN ACCURATE REPRESENTATION OF ALL JURISDICTIONAL WETLANDS WITHIN THE PROJECT. THE DELINEATION HAS BEEN REVIEWED AND APPROVED BY THE CORPS. AND ASSIGNED THE FOLLOWING ACTION NUMBER: SAC-81-2003-1091(X)

SCALE IN FEET
2840' 0 2840'



LOCATION MAP

TUPELO BAY GOLF VILLAS & COMMERCIAL CENTER (PROP.)
HORRY COUNTY, SOUTH CAROLINA
INDIVIDUAL 404 PERMIT APPLICATION

DATE: 12/02/03

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APPLICATION NO. _____

TOTAL PROP. AREA	128.65 ACRES
ORIGINAL WETLANDS	38.29 ACRES
ISOLATED WETLAND FILL	1.31 ACRES
JURIS. WETLAND FILL	1.37 ACRES
JURIS. POND FILL	0.31 ACRES
UPLAND BUFFER	8.88 ACRES
WETLAND PRESERVATION	33.99 ACRES

AGENT: THE BRIGMAN COMPANY, INC., P.O. BOX 1532, CONWAY SC 29526 (843) 248-9388 FAX: (843) 248-9596

M: \JOBS\2003\00230-03102\Drawings\Permit\

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A

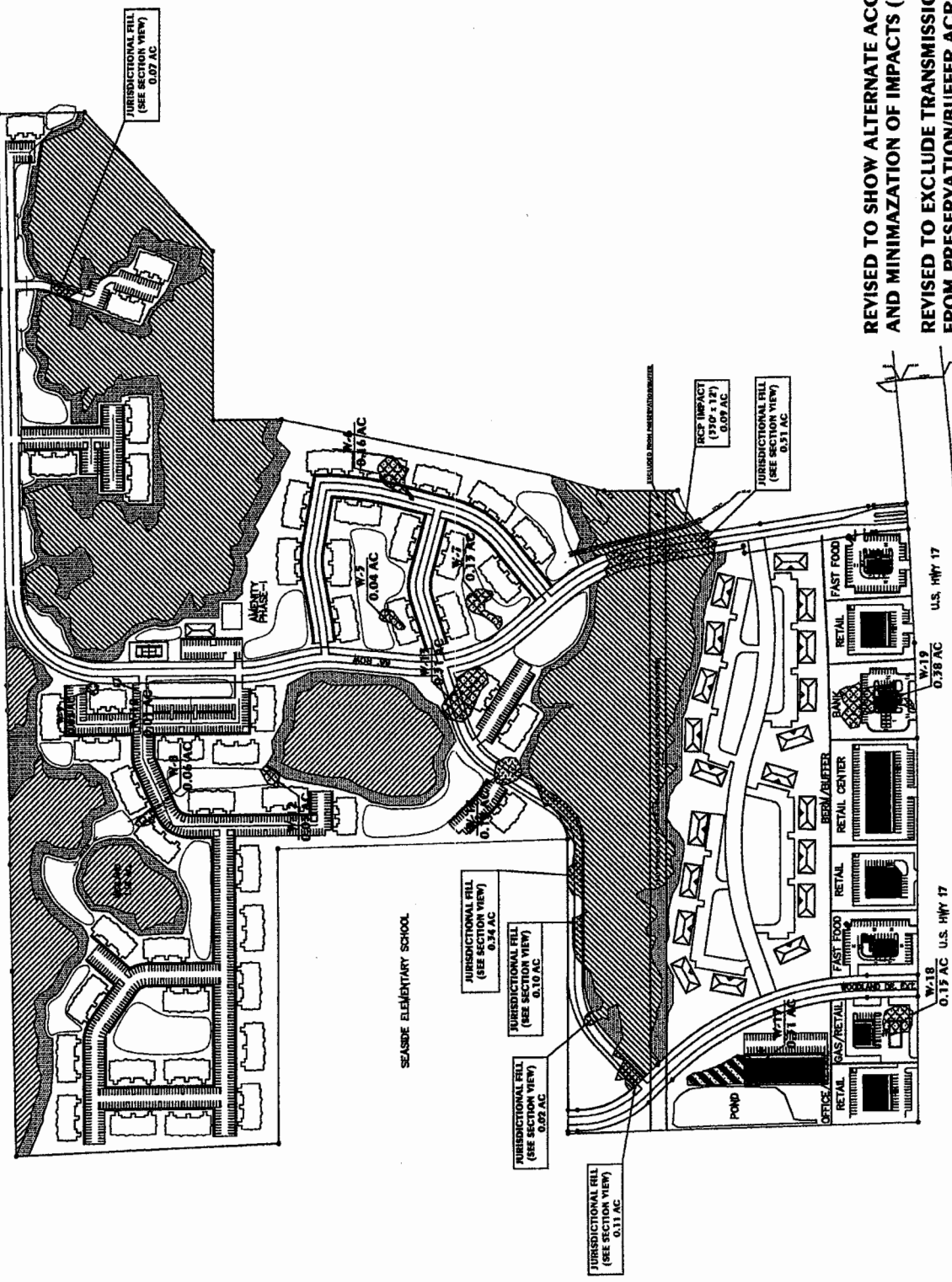
B

C

D

E

F



REVISED TO SHOW ALTERNATE ACCESS ROAD
AND MINIMIZATION OF IMPACTS (6/17/04)
REVISED TO EXCLUDE TRANSMISSION R/W
FROM PRESERVATION/BUFFER ACRES &
TO SHOW RCP IMPACT (7/13/04)

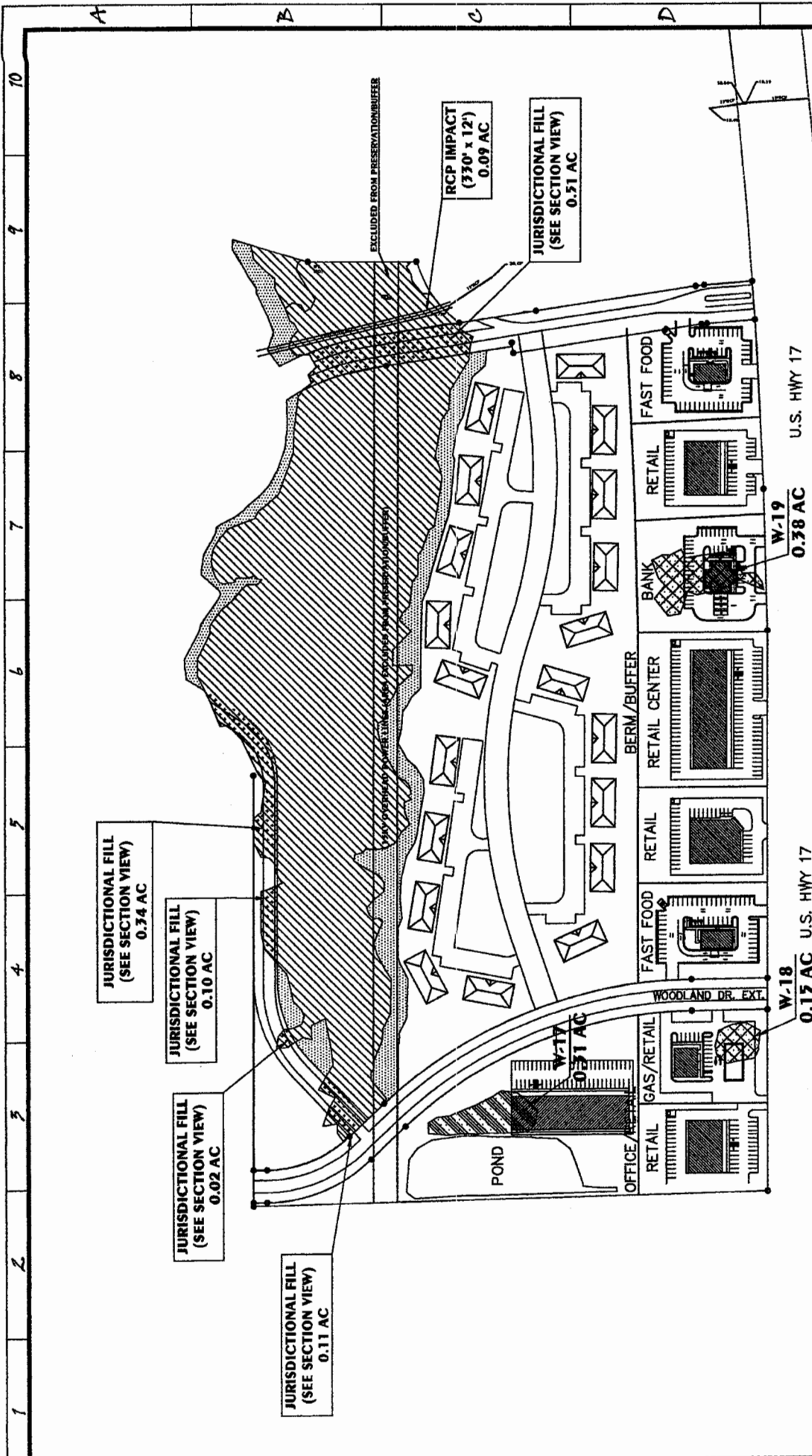
TOTAL PROP. AREA	125.28 ACRES
ORIGINAL WETLANDS	38.29 ACRES
ISOLATED WETLAND FILL	1.31 ACRES
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PLAN/SECTION VIEW
TUPELO BAY GOLF VILLAS & COMMERCIAL CENTER (PROP.)
HORRY COUNTY, SOUTH CAROLINA
INDIVIDUAL 404 PERMIT APPLICATION
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SCALE IN FEET
0 500'

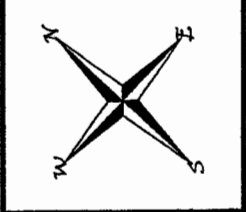
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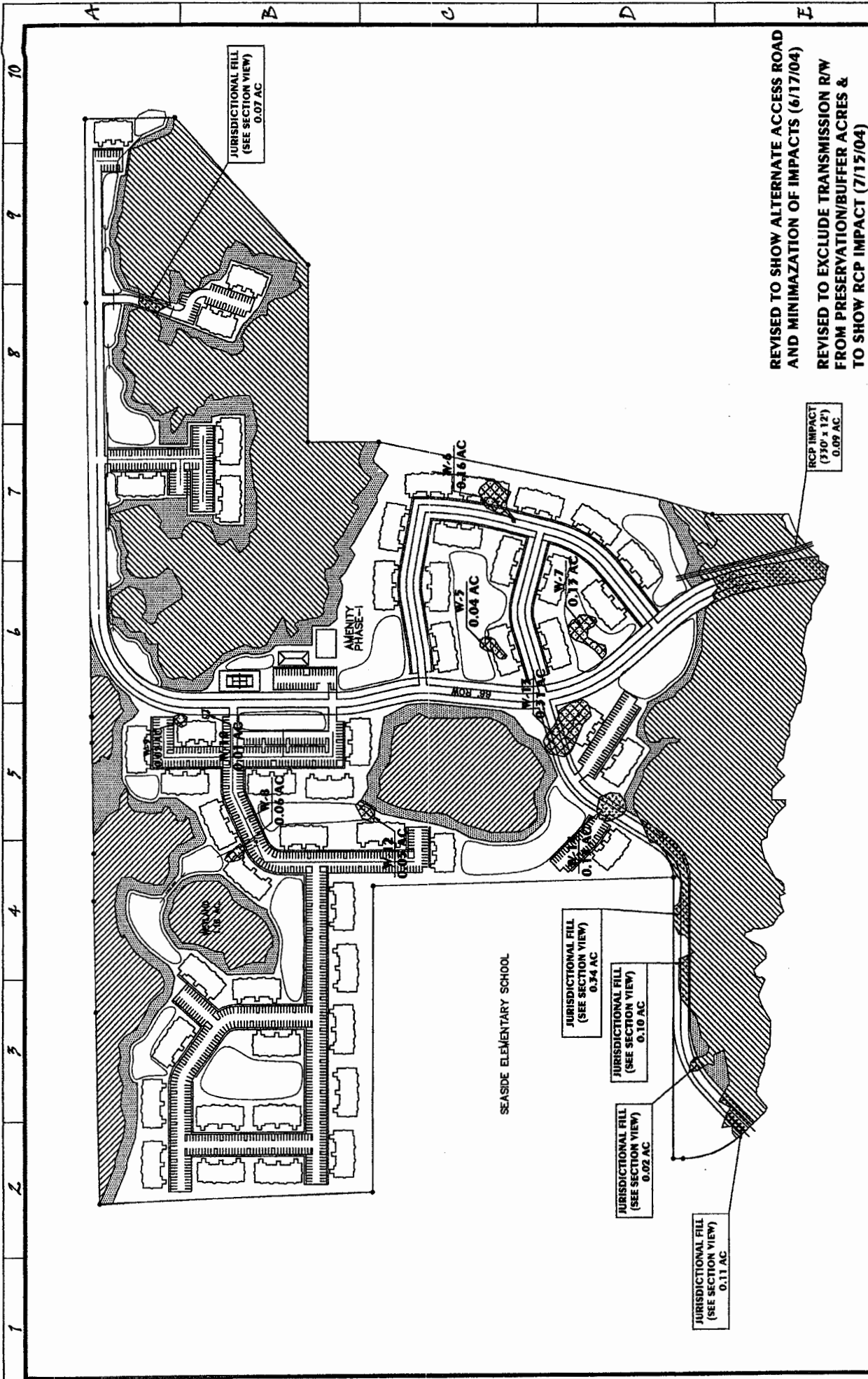
REVISED TO SHOW ALTERNATE ACCESS ROAD
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REVISED TO EXCLUDE TRANSMISSION ROW
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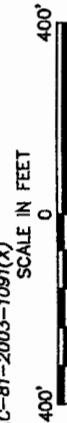
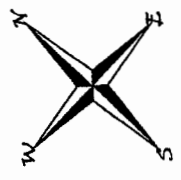


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SCALE IN FEET
0 300'



REVISED TO SHOW ALTERNATE ACCESS ROAD
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REVISED TO EXCLUDE TRANSMISSION R/W
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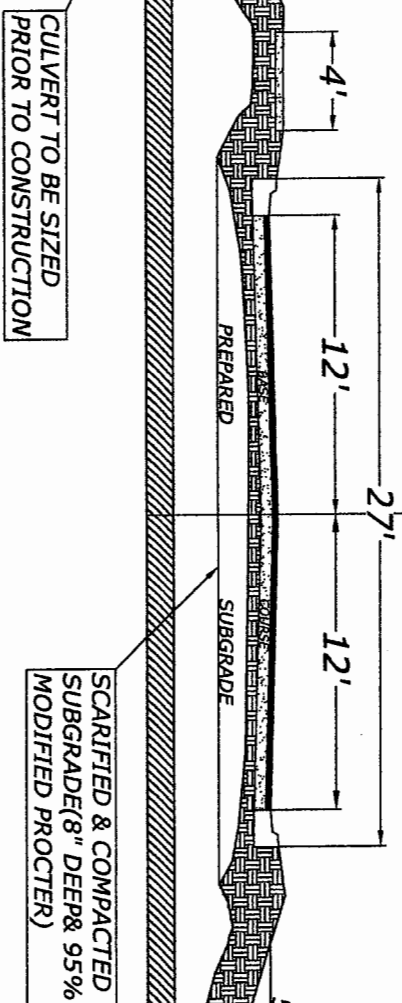


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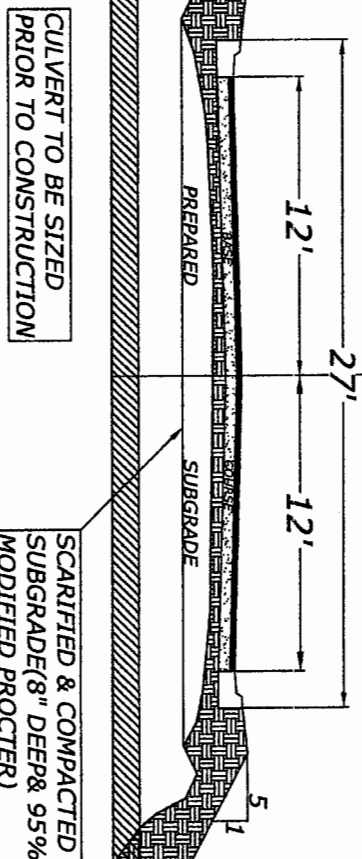
PRIMARY ACCESS

IMPACT & R/W 66'



SECONDARY ACCESS

IMPACT 50'



SECTION VIEW

TUPELO BAY GOLF VILLAS & COMMERCIAL CENTER (PROP.)
HORRY COUNTY, SOUTH CAROLINA
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Mitigation for Wetlands

Adverse Impact Factors for Wetland and Other Waters of the U.S. Excluding Streams

Factors	Options					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0	Slightly Impaired 2.0		Fully Functional 2.5	
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

Note: For the Cumulative Impact factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. **The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.**

Required Mitigation Credits Sample Worksheet

Factor	Jurisdictional	Isolated	Pond	RCP	Area 5	Area 6
Lost Type	2.0	2.0	0.2	2.0		
Priority Category	0.5	0.5	0.5	0.5		
Existing Condition	2.0	2.0	1.0	2.0		
Duration	2.0	2.0	2.0	0.2		
Dominant Impact	3.0	3.0	3.0	1.0		
Cumulative Impact	0.06	0.07	0.06	0.004		
Sum of r Factors	$R_1 = 9.56$	$R_2 = 9.57$	$R_3 = 6.76$	$R_4 = 5.704$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 1.28$	$AA_2 = 1.31$	$AA_3 = 0.31$	$AA_4 = 0.09$	$AA_5 =$	$AA_6 =$
$R \times AA =$	12.23	12.54	2.10	0.51		

Total Required Credits = $\sum (R \times AA) =$

27.38

Mitigation for Wetlands

Preservation Mitigation Factors for Wetlands and Other Waters of The U.S. Excluding Streams

Factors		Options			
Priority Category	Tertiary 0.1	Secondary 0.2		Primary 0.4	
Existing Condition	Impaired -0.1	Slightly Impaired 0		Fully Functional 0.1	
Degree of Threat	Low -0.1	Moderate 0.1		High 0.2	
Control	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6	
Kind	Category 5 -0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1				
Existing Condition	0				
Degree of Threat	-0.1				
Control	0				
Kind	0.3				
Location	0.3				
Sum of m Factors	M ₁ = .6	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 25.11	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M x A=	15.06				

Total Preservation Credits = $\sum (M \times A) =$

15.06

Mitigation for Wetlands

Restoration and Enhancement Mitigation Factors for Wetlands and Other Waters of the U.S. Excluding Streams

Factors	Options				
Net Improvement	Minimal Enhancement 0.1 ————— to ————— Excellent Restoration 4.0				
Control	N.A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 -0.3	10 to 20 -0.2	5 to 10 -0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 -0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 -0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N.A. = Not Applicable

* Use this option to calculate credits for enhancement by buffering

Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	Buffer	Area 2	Area 3	Area 4	Area 5
Net Improvement	0.3				
Control	0.1				
Temporal Lag	0				
Credit Schedule	0				
Kind	.4				
Location	.4				
Sum of m Factors	M ₁ = 1.2	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 8.88	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M x A =	10.65				

Total Restoration/Enhancement Credits = $\Sigma(M \times A) =$

10.65

Mitigation for Wetlands

Wetland and Other Waters of The U.S. Excluding Streams
Mitigation Summary Worksheet For Permit Application # _____

Required Mitigation

A. Total Required Mitigation Credits =	27.38
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Non-Banking Mitigation Credit Summary	Credits	Acres
B. Creation	0	0
C. Restoration and/or Enhancement (Non-Buffer Enhancement)	0	0
D. Restoration and/or Enhancement (Buffer Enhancement)	10.65	8.88
E. Total No Net Loss Non-Bank Mitigation = B+C+D	10.65	8.88
F. Preservation	15.06	25.11
G. Total Proposed Non-Bank Mitigation = E+F	25.71	33.99

Banking Mitigation Credit Summary	Credits	Acres
H. Creation	0	0
I. Restoration and/or Enhancement (Non-Buffer Enhancement)	6.8	0
J. Restoration and/or Enhancement (Buffer Enhancement)	0	0
K. Total No Net Loss Bank Mitigation = H+I+J	6.8	0
L. Preservation	0	0
M. Total Proposed Bank Mitigation = K+L	6.8	0

Grand Totals	Credits	Acres
N. Total Preservation Mitigation = F+L	15.06	25.11
O. Total Non-Preservation Mitigation = E+K	17.45	8.88
P. Total Creation = B+H	0	0
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) C+I	6.8	0
R. Total Proposed Mitigation = G+M	32.51	33.99